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OFFICE OF PETITIONS

In re Application of :
Tritz et al. :
Application No. 09/653595 :
Filing or 371(c) Date: 08/31/2000 : **ON PETITION**
Attorney Docket Number: 025213-9023-01 :

This is a decision on the Petition for Revival of Application for patent Abandoned Unavoidably, filed June 24, 2008.

The petition under 37 CFR 1.137(b) is granted.

The above-identified application became abandoned for failure to timely and properly reply to the final office action mailed June 28, 2005. The final office action indicated that no claims were allowed.

Applicant filed a Notice of Appeal on October 4, 2005, and a Brief in Support of the Appeal on December 7, 2005¹. The Board of Patent Appeals and Interferences ("BOARD") issued a Decision on Appeal on April 14, 2008, affirming the decision of the Examiner.

Applicant files the present petition, Request for Continued Examination and fee, and Amendment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee (and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

The application is being referred to Technology Center Art Unit 3691 for processing of the RCE and Amendment, and for continued examination in due course.

¹ The Brief was Non-Compliant. Applicant was so notified in a Notice of Non-Compliant Appeal Brief mailed February 27, 2006. Applicant filed an Amended Appeal Brief on March 22, 2006. The Examiner filed an Answer to the Appeal Brief on May 31, 2006. A Reply Brief was filed on August 3, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
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